

**TESTIMONY**  
**SB 1677**  
**LATE**

**From:** Alan Murakami [almurak67@gmail.com]  
**Sent:** Tuesday, February 03, 2009 5:48 PM  
**To:** WTLTestimony  
**Cc:** Mahealani Wendt  
**Subject:** Fwd: SB 1677

**LATE TESTIMONY**

REGULAR SESSION OF 2009

SENATE COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS  
COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Room 229

February 4, 2009  
4:00 PM

RE: Testimony of Alan T. Murakami Related to SB 1677

I testify in support of some form of interim moratorium on the dispositions of ceded lands pending the outcome of any resolution of Hawaiian land claims related to the illegal overthrow of the Hawaiian Kingdom in 1893.

If not an unqualified ban on the sale or exchange of ceded lands, the Legislature should impose: (1) strict limits on any disposition of this public trust resource to preserve the corpus of what was the most valuable asset base of the Kingdom (as this bill only partially accomplishes), (2) a reasonable period of consultation with the Office of Hawaiian Affairs (3) an opportunity for Hawaiian beneficiary input before any disposition, and (4) a requirement for approval of any such disposition by a 2/3 majority of both chambers of the Legislature (as provided in this bill).

The State government has yet to demonstrate why any such restriction would hobble the sovereign functioning of state government. As for providing affordable housing, I note that the state has for 50 years provided such housing to beneficiaries of the Hawaiian home lands trust program. I would be astonished if the State can urge the need for fee simple sales of affordable housing to members of the general public, when it never pleaded that case for Hawai'i's first citizens under the Hawaiian Homes Commission Act.

As a first step toward reconciling the land claims acknowledged by the Hawai'i Supreme Court in *OHA v HHFDC*, this branch of government should preserve the integrity of the ceded lands trust corpus. It is the prudent and pono thing to do, especially in light of the cultural value attached to land by Hawaiian culture. No prudent trustee, operating under like circumstances would do otherwise. Indeed, the Legislature has repeatedly been on record supporting the sovereignty of its indigenous people on several occasions during that 1993 Legislative Session. Act 340 (reserving title to Kaho'olawe for the sovereign native Hawaiian entity recognized by the U.S.); Act 354 (providing general funding for Hawaiian sovereignty education through Hui Na'auao); Act 359 (providing mechanism and funding for a Hawaiian sovereignty advisory commission); 1993 Haw. H.R. Con. Res. No. 179 (1993 Haw. Sess. Laws). A measure to preserve the corpus of the land claims would be a natural extension of this record of support.

I urge you to pass some form of moratorium on ceded lands disposition IMMEDIATELY, ahead of any schedule for passing legislation this session. Such timing can avert what might be an unfavorable result before the U.S. Supreme Court in the pending appeal of the *OHA v HHFDC* case.

Thank you for this opportunity to testify.

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**From:** Laulani@aol.com  
**Sent:** Wednesday, February 04, 2009 5:53 AM  
**To:** HAWtestimony; WTLTestimony  
**Subject:** Moratorium on the Sale of Ceded Lands

## LATE TESTIMONY

Aloha mai kakou,

I am writing on behalf of the members of the 'Ewa - Pu'uloa Hawaiian Civic Club to request your support in placing a moratorium on the sale of the ceded lands until the unrelinquished claims of Native Hawaiians have been resolved.

A ruling on the State of Hawaii's pending appeal before the U.S. Supreme Court could extend well beyond the issue of the State's right to sell or transfer ceded lands. The conservative bent of this court and the prevailing legal view of Native Hawaiians as a racial category as opposed to a political entity could result in a ruling detrimental to existing Native Hawaiian programs.

Governor Lingle's concern that the current Hawaii Supreme Court ruling clouds the State's title to these lands pales in comparison to the potential harm that could be done to the many programs currently supporting Native Hawaiians. We need to do what's right, and your support is much needed and requested.

Sincerely,

Lawrence A. Woode, Jr.  
President, 'Ewa - Pu'uloa Hawaiian Civic Club

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**(END)**